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C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 005526

SIPDIS

E.O. 12958: DECL: 12/26/2012

TAGS: MOPS PREL US FR IZ KU

SUBJECT: IN WAKE OF FATAL ACCIDENT GOK SEEKS TIGHTER
CONTROL OF JOURNALISTS COVERING US FORCES -- FOR THEIR
SAFETY

Classified By: Ambassador Richard H. Jones, reasons 1.5(B) and (D).

See action request in para 4.

¶11. (C) In the course of a December 25 meeting on other topics (septels), the Ambassador and Kuwait Minister of State for Foreign Affairs Dr. Shaykh Mohammed al-Sabah discussed the December 22 death of French journalist Patrick Bourrat as a result of injuries he suffered the preceding day while covering a training exercise at the Udairi Range. Dr. Mohammed asked the Ambassador whether the French had sought an explanation for the accident.

¶12. (C) The Ambassador informed Dr. Mohammed that he had received a letter from his French colleague, Ambassador Claude Losgaurdi, on December 23 requesting a report from the Commanding General of Third Army as to the exact circumstances of the accident and the nature of the medical care that Bourrat had received thereafter. In response, the Embassy had provided a preliminary report prepared by the U.S. military. When the final report was available it would also be provided. At Dr. Mohammed's request, he shared a copy of Losgaurdi's letter and the preliminary report with him. (See texts in paragraphs 5 and 6, respectively.)

¶13. (C) After perusing the preliminary report, Dr. Mohammed commented that it seemed clear that Bourrat's own actions had cost him his life. Nonetheless, Dr. Mohammed was troubled that Bourrat had been able to leave a safe area to get in the way of the tank that hit him. The report did not address how this happened. He argued that by allowing journalists to observe its activities the U.S. military was implicitly assuming responsibility for their safety; procedures should have been in place to prevent this. He urged the U.S. to consider instituting such procedures. At the very least, the U.S. should insist that journalists sign some form of a release of liability that states that they understand the rules for their being allowed access to a hazardous event and agree to abide by them. The Ambassador asked Dr. Mohammed whether this was an official request. Dr. Mohammed said that it was; the MFA would follow up in writing.

¶14. (C) COMMENT AND ACTION REQUEST: Although a Ministry of Defense official had earlier complained to us about inflammatory "on to Baghdad" media coverage of recent training exercises, Dr. Mohammed made no reference to any such concern. His focus was completely on the safety of the journalists and the desire to avoid any future accidents. In this regard, we believe that he has made a useful suggestion. If it's not already the practice, a standard legal release for journalists' signature that made it clear they understood the rules for an event and agreed to abide by them (perhaps under penalty of being excluded from participation in future events) could help prevent future accidents, or at least mitigate any diplomatic / legal fallout from them. As the Ambassador told Dr. Mohammed, there will be a lull in training activity for the next few weeks anyway. Now would be a good time to consider how to tighten procedures, including possibly the introduction of such a standard legal release, before field activities resume in earnest. (We may even want to insist that the journalists' employers agree to the release to make the point that they share responsibility for their employees' behavior.) We recommend that action addressees consider this suggestion seriously. Please advise.

¶15. (SBU) Text of Losgaurdi Letter (informal embassy translation of French original)

"Mr. Ambassador, dear colleague,

Thank you for calling me to express your compassion and sympathy following the accident that cost the life of Mr. Patrick Bourrat, TF1 journalist, while he was covering maneuvers of U.S. forces in the north of Kuwait.

I would greatly appreciate it if you would intervene with the commanding general of Third Army to conduct an investigation as soon as possible to determine the exact circumstances of Mr. Bourrat's accident as well as the nature of the care provided to him by the American medical team at the Kuwait Armed Forces hospital.

Thanking you for your cooperation, please accept Mr.

Ambassador and dear colleague, the expression of my warm regards," signed Claude Losguardi

16. (SBU) Text of U.S. military report

SERIOUS INCIDENT REPORT (SIS) 02-0034 (PRELIMINARY)

11. TYPE OF ACCIDENT: ACCIDENTAL DEATH

12. TIME OF INCIDENT: December 21, 2002, 0900 local

13. LOCATION: NORTH SIDE OF UDAIRI RANGE COMPLEX (QT141893)

14. VICTIM: BOURRAT, PATRICK NMN; CIVILIAN, FRANCE, 20 SEP 1952, FRANCE; MALE; WHITE; 1 QUAI POINT DU JOUR, BOULOGNE, FRANCE; XZ; OTHER ID: FRENCH SSN, 1520999351379.

15. SUMMARY OF INVESTIGATION: PRELIMINARY INVESTIGATION OF USACID REVEALED THAT BOURRAT WAS SETTING UP TO FILM A BREACHING OPERATION CONDUCTED BY AN M-1A1 ABRAMS TANK. BOURRAT WAS INSTRUCTED TO SET UP IN A SAFE ZONE, BUT AS THE TANK APPROACHED, BOURRAT RAN ACROSS THE BREACH LANE TO TRY AND OBTAIN A BETTER CAMERA ANGLE, AND WAS STRUCK BY THE TANKS (sic) FLEXIBLE LEFT FRONT FENDER. BOURRAT WAS THROWN 15 FEET AND LANDED IN A COIL OF CONCERTINA WIRE. BOURRAT WAS ATTENDED BY A PA, AND LATER MEDICALLY EVACUATED VIA HELICOPTER TO THE KUWAITI ARMED FORCES HOSPITAL. BOURRAT WAS INITIALLY ASSESSED WITH 4 BROKEN RIBS AND A COLLAPSED LUNG. BETWEEN 211600ZDEC02 AND 211900ZDEC02 BOURRAT SUCCESSFULLY UNDERWENT SURGERY TO REMOVE HIS SPLEEN AND INSERT A CHEST TUBE. AT APPROXIMATELY 212345ZDEC02 COMPLICATIONS AROSE, AND HE SUCCUMBED TO HIS INJURIES. BOURRAT WAS PRONOUNCED DEAD BY DR. (CPT) GEOFFREY G. HOBIKA AT 220023ZDEC02. AN AUTOPSY WILL BE CONDUCTED BY FRENCH AUTHORITIES IN PARIS, FRANCE."

JONES